

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:06-cr-210-WHB-FKB

RODNEY CASE, KEVIN CLARK,
MIKE FULTON, DOUGLAS MURPHY,
AND JAMES WARD

Consolidated for Trial with

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:09-cr-6-WHB-FKB

RODNEY CASE, KEVIN CLARK,
MIKE FULTON, DOUGLAS MURPHY,
AND JAMES WARD

MOTION TO LIFT STAY AND FOR TRIAL SETTING

COMES NOW, the United States of America, by and through the United States Attorney for the Southern District of Mississippi, and the undersigned Assistant United States Attorney, and files this Motion to Lift the Stay of this matter. On September 10, 2009, the Court entered an Order continuing the trial of this matter until the conclusion of the trial of *Eaton Corp., et al., v. Frisby, et al.*, Civil Action No. 251-04-642 CIV. It has now been over two years since the stay was imposed, and there appears to have been little progress towards a trial or other conclusion in the *Eaton Corp.* case. While the claims of the plaintiffs in the *Eaton Corp.* case were dismissed at the trial court level, the matter is now on appeal, and there is no indication that the appeal would be resolved in the foreseeable future. Moreover, the claims of the defendants in the *Eaton Corp.* matter apparently remain on hold pending the outcome of the appeal. For these reasons

and the reasons provided in the accompanying Memorandum and Exhibits,¹ the United States respectfully moves this Court for an order lifting the stay of this matter. Defendants do not object to lifting the stay and setting the matter for trial.

Respectfully Submitted,

JOHN M. DOWDY, JR.
United States Attorney

By: /s/ Angela Givens Williams
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¹Exhibit A-9/9/10 Brittain E-mail (with attachments).
Exhibit B-9/17/10 Brittain E-mail (with attachments).

CERTIFICATE OF SERVICE

I, Angela Givens Williams, hereby certify that on January 31, 2012, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ Angela Givens Williams

ANGELA GIVENS WILLIAMS

Assistant United States Attorney